

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DIVISION OF OHIO
WESTERN DIVISION**

CRIMINAL CASE NO. 1:15-CR-1

ELECTRONICALLY FILED.

UNITED STATES OF AMERICA,

PLAINTIFF,

v.

MICHAEL R. HOYT,

DEFENDANT.

RULE 12.2(a) NOTICE

Now comes the Defendant, Michael R. Hoyt, by and through counsel, and hereby provides notice pursuant to Federal Rule of Criminal Procedure 12.2(a). Based on the 18 U.S.C § 4242 Forensic Mental Health Evaluation at the Federal Bureau of Prisons, the defendant intends to assert a defense of insanity at the time of the alleged offense. (Forensic Report, R. 15, *Sealed*). Generally, this Notice precedes an 18 U.S.C. §4242 evaluation, but that evaluation has already been completed in this case in conjunction with a competency evaluation. *Id.*

This notice should not be construed as an admission that Hoyt lacks a defense on the merits for this case. See 18 U.S.C. § 4242(b) (distinguishing a verdict of “not guilty” from a verdict of “not guilty by reason of insanity.”). As recognized by the Sixth Circuit, the insanity defense only becomes relevant if the United States can prove the elements of the offense beyond a reasonable doubt. *See United States v. Mikulich*, 732 F.3d 692, 702 (6th Cir. 2013).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that an exact copy of the foregoing document was provided via the Court's electronic filing system upon the parties of record, on this 29th day of April, 2015.

/s/ Martin S. Pinales
Martin S. Pinales